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PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**Docket No. FORSSMANN ET AL PCTExpress Mail Label No. EL 769 424 119 US

Box CPA  
Assistant Commissioner for Patents  
Washington, D.C. 20231

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

(submit an original and a duplicate for processing)

\_\_\_\_ duplicate

- I. This is a request for a  
  X   continuation  
  
\_\_\_\_ divisional

application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application no. 09/242,254 filed on MAY 7, 1999, entitled A METHOD FOR DETECTING THE CONDITION OF AN ORGANISM THROUGH THE MEASUREMENT OF PEPTIDES

**Notes**

The above-identified application, in which no payment of issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this new application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

It is understood that secrecy under 35 U.S.C. 122 is hereby waived under 35 U.S.C. 122 to the extent that if information or access is available to any one of the applications in the file wrapper of an application, be it either this application or a prior application in the same file wrapper, the PTO may provide similar information or access to all the other applications in the same file wrapper.

A continuation-in-part application is not permitted to be filed as a CPA and must be filed under 37 CFR 1.53(b).

In a CPA, reference to the prior application is not needed in the first sentence of the specification and will not be entered if submitted.

RECEIVED  
MAR 15 2001  
TECH CENTER 1600P  
1600P**CERTIFICATION UNDER 37 CFR 1.10**

I hereby certify that this CPA transmittal and the documents referred to as attached therein are being deposited with the United States Postal Service on this date March 12, 2001 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Mailing Label No. EL 769 424 119 US addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Lisa L. Vulpis  
(Type or print name of person mailing paper)

Lisa L. Vulpis  
(Signature of person mailing paper)

03/14/2001 GTEFFERA 00000077 09242254

01 FC:231

355.00 OP

NOTE: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing (37 CFR 1.10(b)).

1. ☒ Enter the unentered amendment previously filed on FEBRUARY 12, 2001 under 37 CFR 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application..
  - a. ☐ Delete the following inventor(s) named in the prior nonprovisional application  


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  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent is enclosed.
5. Information Disclosure Statement (IDS) is enclosed
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

#### FEE CALCULATION

Number filed	CLAIMS AS FILED			Rate	Basic Fee \$ 710.00
	Number Extra				
Total claims	13-20=	0	x	\$ 18.00	0
Independent Claims (37 CFR 1.16(b))	1-3=	0	x	\$ 80.00	0
Multiple dependent claim(s), if any (37 CFR 1.16(d))		0	x	\$260.00	0

☐ Fee for extra claims is not being paid at this time (37 CFR 1.16(d))

Filing Fee Calculation	\$ 710.00
reduction by 50% for filing by small entity	\$ 355.00
<b>TOTAL</b>	<b>\$ 355.00</b>

**NOTE:** If the fees for extra claims are not paid on filing they must be paid or the claims canceled by amendment, prior to the expiration of the time period set for response by the PTO in any notice of fee deficiency. 37 CFR 1.16(d)).

## 6. Small Entity Statement

X A verified statement that this filing is by a small entity:

**a.\_\_\_\_\_ is attached**

b. X has been filed in the parent application and such status is still proper and desired (37 CFR 1.28(a)).

c. \_\_\_\_\_ is no longer claimed.

7. X The Commissioner is hereby authorized to charge the following additional fees which may be required by this paper and during the entire pendency of the application, or to credit any overpayments to Account No. 03-2468.

X 37 CFR 1.16(a), (f) or (g) (filing fees)

<u>X</u>	37 CFR 1.16(b), (c) and (d) (presentation of extra claims)
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<u>X</u>	37 CFR 1.17 (application processing fees)
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8. Attached is a check in the amount of \$ 355.00

9. Other Copy of Amendment in Response to Final Office Action filed February 12, 2001  
Petition Under Rule 136(a) and Rule 17(c) with check for \$250.00  
Copy of Petition Under Rule 136(a) and Rule 17(c)

10. **New correspondence address :**  
(The PTO will use the correspondence address listed on the file of the prior application unless otherwise notified):

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**11. Signature of applicant, attorney or agent required:**

Name: Allison C. Collard

Signature: [Signature]

Reg. No. 22,532

Date: March 12, 2001



Response Under 37 C.F.R. 1.116  
Expediting Procedure  
Examining Group 1645

Suppl. Amdt

13/c

Linda

3/20/01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: FORSSMANN ET AL (PCT)  
SERIAL NO.: 09/242,254 EXAMINER: P. BASKAR  
FILED: MAY 7, 1999 GROUP: 1645  
TITLE: A METHOD FOR DETECTING THE CONDITION OF AN ORGANISM  
THROUGH THE MEASUREMENT OF PEPTIDES

AMENDMENT IN RESPONSE TO FINAL OFFICE ACTION

ATT: BOX AFTER FINAL  
Assistant Commissioner for Patents  
Washington, D.C. 20231

COPY

Dear Sir:

In response to the Final Office Action dated September 12, 2000, with the time for reply having been extended for two months, or until FEBRUARY 12, 2001 please amend the above-identified patent application as follows:

IN THE CLAIMS:

Please cancel claims 2, 3 and 10, without prejudice.

Please amend claims 1, 11, 12 and 13 as follows: